



Appendix I

Appeal Resolutions

*Regional Housing Needs Determination
Association of Bay Area Governments*

Regional Housing Needs Determination Appeal Resolutions

Appeal Hearing Date: January 25, 2001

Summary of Appeal Committee Actions

1. City of Richmond- RHND Allocation Modified

Revision Request

The appeal by the City of Richmond contained two proposed revisions.

Proposed Revision 1. The City of Richmond requested that ABAG reduce its RHND allocation an undetermined amount by taking into consideration the City's high rate of unemployment.

Resolution

Proposed Revision 1. The Appeal Committee denied the City of Richmond's request to reduce the City's RHND allocations by modifying the RHND methodology in a manner that would consider the City's high rate of unemployment.

Reasoning

The appeal to reduce the City's RHND allocations is not consistent with the requirements of State Housing Element Law, nor the additional appeal criteria stipulated by the Executive Board, which would warrant a revision.

- The proposed revision is inconsistent with the goals of the RHND process. The RHND methodology allocates housing units to jurisdictions based upon both household growth as well as job growth. Jurisdictions that are planning additional job growth receive an RHND allocation commensurate with that job growth.
- The proposed revision is not based upon acceptable data that is available, accurate, current and replicable at the region level.
- The City of Richmond has not identified another recipient (other jurisdiction(s)) willing to incorporate the proposed reduction in RHND allocations.

Revision Request

Proposed Revision 2. The City also requested that its income distribution allocation be reduced in the lower income categories based upon the City's current housing stock, which already contains high numbers of lower income households.

Resolution

Proposed Revision 2. The Appeal Committee approved the City of Richmond's request to redistribute the RHND allocations among income category distribution. Staff recommended applying the Contra Costa countywide income averages to the RHND allocation for the City of Richmond. This revision shifts 288 units from the very low, low, and moderate income categories into the above moderate category, while maintaining the overall RHND allocation of 2,603 units assigned by ABAG.

Reasoning

When a comparison is drawn between the combined very-low and low income percentages of the City of Richmond and the other jurisdictions within Contra Costa county, the City of Richmond is found to have a disproportionately higher number of lower income households than other jurisdictions throughout Contra Costa county. This condition is perpetuated by the income distribution method applied by the RHND methodology. State Housing Element law indicates that the RHND methodology should seek to reduce over-concentration of lower income households in its distribution of the RHND allocations. The City of Richmond has a uniquely higher percentage of lower income households compared with the other jurisdictions in Contra Costa County.

In order to address this issue, staff recommended applying the Contra Costa countywide income percentages to the City of Richmond's RHND allocation. The resolution would move the City of Richmond's lower income housing stock closer to the other jurisdictions within Contra Costa County.

Table I. Revised RHND Allocation by Income Category

Income Category	City of Richmond		Contra Costa County	City of Richmond	
	Percentage	Allocation	Percentage	Revised RHND Allocation	Difference
Above Moderate	36.3 %	946	47.4%	1,234	+ 288
Moderate	25.7 %	670	24%	625	-45
Low	12.1 %	314	10.5%	273	-41
Very Low	25.9%	673	18.1 %	471	-202

2. City of Piedmont- Appeal Denied

Revision Request

The City of Piedmont requested that ABAG reduce the City's job growth in the RHND methodology from 136 jobs to 84 jobs, and the household growth from 19 households to 14. This request is based upon alleged inaccuracies in the Projections 2000 forecast claimed by the City of Piedmont. This requested modification would have the effect of reducing the City's RHND allocation from 49 units to 32 units.

Resolution

The Appeal Committee denied the City of Piedmont's request to modify the RHND methodology by reducing the household and job growth in the RHND methodology.

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Reasoning

The appeal does not meet the requirements of State Housing Element Law, nor the additional appeal conditions stipulated by the Executive Board, which would warrant a revision.

- The City of Piedmont cites alleged inaccuracies in the Projections 2000 forecast as the determining factor for an overstatement of the City's RHND allocation. Jurisdictions are given several opportunities to review and modify, if necessary, their Projections growth forecasts prior to ABAG release of the data. The City of Piedmont did review its Projections 2000 forecast, however no modification was proposed to the City's employment estimates. The data used in the ABAG methodology (Projections 2000) to determine the RHND allocations was therefore considered valid, and was used to determine the RHND allocation for the City of Piedmont.
- The proposed revision is not supported by adequate documentation. The City of Piedmont conducted an employment survey of its businesses in an effort to determine the number of employed persons working within the City. The City maintains that its employment survey should be considered as alternative data that can be used to revise the City's RHND allocations. Housing Element Law states that acceptable data must be considered if it is (1) Available; generally accessible to the public, (2) Accurate; reasonably free from defect and developed in accordance with an established methodology having produced reliable estimates over time, (3) Current and (4) Replicable; data which can be used on a region-wide basis.
- The employment survey submitted by the City of Piedmont does not meet all of the above criteria. It cannot be reproduced at the regional scale, representing a housing market area larger than a single jurisdiction.
- The City of Piedmont has not identified another recipient (other jurisdiction(s)) willing to incorporate the proposed reduction in RHND allocations.

3. City of Rohnert Park- Appeal Denied

Revision Request

The City of Rohnert Park requested that its RHND allocation be reduced from 2,124 units to 621 units (a reduction of 1,503 units). The requested revision is based upon alleged inaccuracies in the Projections 2000 forecasts, which the City states is an overestimation of growth during the RHND planning time frame. The City of Rohnert Park contends that ABAG staff did not remove a record, marked for deletion in the Local Policy Survey database. At the City's request, the record was amended to show increased residential density prior to the release of Projections 2000.

Resolution

The Appeal Committee denied the City of Rohnert Park's request to reduce the City's RHND allocation.

Reasoning

The appeal does not meet the requirements of State Housing Element Law, nor the additional appeal conditions stipulated by the Executive Board, which would warrant a revision.

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- The City of Rohnert Park cites alleged inaccuracies in the Projections 2000 forecast for households as the determining factor for an overstatement of the City's RHND allocation. Jurisdictions are given several opportunities to review and modify, if necessary, their Projections growth forecasts prior to ABAG's release of the data. The City of Rohnert Park did not update its local policy survey database prior to the release of the preliminary Projections 2000 forecast, nor did it submit comments to ABAG during the review of the preliminary Projections 2000 forecast, that suggested the household growth forecasts were inaccurate. The data used by ABAG to determine the RHND allocations was considered valid, and was used to determine the RHND allocation for the City of Rohnert Park.
- The RHND allocations for the City of Rohnert Park are not significantly impacted by the amount of household growth applied in the RHND methodology. The RHND methodology considers each jurisdiction's share of regional job growth and household growth in determining the allocations. The City of Rohnert Park is planning to add 563 households (a 0.32% share of regional household growth) during the RHND timeframe, whereas the City's job growth will be 4,016- nearly 1% of the region's job growth. This level of job growth significantly increases the RHND allocations for the City of Rohnert Park.
- The City of Rohnert Park has not identified another recipient (other jurisdiction(s)) willing to incorporate the proposed reduction in RHND allocations.

4. City of Saratoga- Appeal Denied

Revision Request

The City of Saratoga requests that ABAG recalculate the RHND allocation based upon past housing unit production trends and proposed revisions to Projections 2000 job forecasts. Based upon a revised RHND calculation provided by the City, the proposed revision would reduce the RHND allocation assignment of 539 units to a proposed total of 223 units over the 1999-2006 RHND time frame.

Resolution

The Appeal Committee denied the City of Saratoga's request to reduce the City's RHND allocation.

Reasoning

This appeal does not meet the requirements of State Housing Element Law, nor the additional appeal conditions stipulated by the Executive Board, which would warrant a revision.

- The City of Saratoga cites alleged inaccuracies in the Projections 2000 forecast as the determining factor for an overstatement of the City's RHND allocation. Jurisdictions are given several opportunities to review and modify, if necessary, their Projections growth forecasts prior to ABAG release of the data. The City of Saratoga did not submit comments to ABAG during the review of the preliminary Projections 2000 forecast. The data used by ABAG to determine the RHND allocations was considered valid, and was used to determine the RHND allocation for the City of Saratoga.
- The City of Saratoga has not identified another recipient (other jurisdiction(s)) willing to incorporate the proposed reduction in RHND allocations.

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5. County of Solano- Appeal Denied

Revision Request

The appeal by the County of Solano contains two proposed revisions.

Proposed Revision 1. The County of Solano seeks to modify the RHND methodology by substituting the DOF E-5 report estimate of households with a calculated figure based upon ABAG's forecast of households between 1995 and 2000. The County maintains that this figure underestimates the current housing stock in the unincorporated areas. This would reduce the household growth forecast for unincorporated Solano County, and the subsequent RHND allocations associated with this share of household growth.

Proposed Revision 2. The County also seeks to modify the RHND methodology by shifting its 25% share of the RHND allocation assignment for the unincorporated SOI to each incorporated jurisdiction within Solano County.

Resolution

The Appeal Committee denied Solano County's request to reduce the County's RHND allocation.

Reasoning

The appeal does not meet the requirements of State Housing Element Law, nor the additional appeal criteria stipulated by the Executive Board, which would warrant a revision.

- **Proposed Revision 1.** Jurisdictions which are adversely impacted by this proposed revision could appeal based upon the same criteria as Solano County. This could result in a cycle of RHND appeals with no foreseeable conclusion. The RHND methodology should be maintained, so that revisions of this type do not create appeals which are based upon the same reasoning as the proposed revision. Proposed revisions must be based on the same accepted methodology that determined the RHND allocations.
- **Proposed revision 2.** The Executive Board issued a policy directive to divide the RHND allocations for the unincorporated SOI areas amongst the cities and counties in the region. The proposed revision does not comply with this directive. All revisions must be based upon the same accepted planning methodology that produced the RHND allocations.
- Solano County has not identified another recipient (other jurisdiction(s)) willing to incorporate the proposed reduction in RHND allocations.

6. Town of Windsor- Appeal Denied

Revision Request

The Town of Windsor requests that the RHND allocation be revised to 170 units per year (a total of 1,275 units) over the 1999-2006 RHND time frame, in recognition of the Town's General Plan and Growth Control goals.

Resolution:

The Appeal Committee denied the Town of Windsor's request to reduce the Town's RHND allocation.

Reasoning

The appeal does not meet the requirements of State Housing Element Law, nor the additional appeal criteria stipulated by the Executive Board, which would warrant a revision.

- State Housing Element Law does not recognize local growth control measures as a valid means of reducing RHND allocations.
- The Town of Windsor has not identified another recipient (other jurisdiction(s)) willing to incorporate the proposed reduction in RHND allocations.

7. County of Sonoma- Appeal Denied

Revision Request

Sonoma County requests that ABAG and HCD resume negotiations over the total regional “goal” number, with the intent that the regional number be reduced to match the corresponding housing unit forecast as contained in the *Projections 2000* report. This would reduce the County’s RHND allocation by 3,676 units.

Resolution

The Appeal Committee denied the County of Sonoma's request to reduce the County's RHND allocation.

Reasoning

The appeal does not meet the requirements of State Housing Element Law, nor the additional appeal conditions stipulated by the Executive Board, which would warrant a revision.

- The issues identified by the County of Sonoma are procedural, and therefore are not considered valid points of appeal.
- State Housing Element Law does not recognize local growth control measures as a valid means of reducing RHND allocations.
- The County of Sonoma has not identified another recipient (other jurisdiction(s)) willing to incorporate the proposed reduction in RHND allocations.

8. City of Gilroy- Appeal Denied

Revision Request

The appeal by the City of Gilroy contains two proposed revisions.

Proposed Revision 1. The City of Gilroy seeks to recalculate the RHND allocations based upon an alternate methodology that considers LAFCO Urban Service Area policies, and other criteria that could be used in the methodology to reduce sprawl. Using the City's alternate methodology would reduce the RHND allocation from 3,746 units to 2,800 units, (a reduction of 946 units) for the 1999-2006 RHND time frame.

Proposed Revision 2. The City of Gilroy also requests that the distribution of allocations by income category be modified so that the very low and low-income units be more evenly distributed among the cities in Santa Clara County.

Resolution

The Appeal Committee denied the City of Gilroy's request to reduce the City's RHND allocation, and to modify the distribution by income category in order to more evenly distribute the lower income units amongst the cities in Santa Clara County.

Reasoning

The appeal does not meet the requirements of State Housing Element Law, nor the additional appeal conditions stipulated by the Executive Board, which would warrant a revision.

- The City of Gilroy requests that ABAG incorporate additional factors in the methodology to determine the City's RHND allocations. All revisions must be based upon the same accepted planning methodology that produced the RHND allocations.
- State Housing Element Law does not recognize local growth control measures as a valid means of reducing RHND allocations.
- The proposed revision is not based upon acceptable data that is available, accurate, current and replicable across the entire region. The urban service area policies are very different among the 9 county bay area LAFCO agencies, and therefore not directly applicable across the region.
- The City of Gilroy has not identified another recipient (other jurisdiction(s)) willing to incorporate the proposed reduction in RHND allocations.

9. County of Santa Clara- Appeal Denied

Revision Request

Santa Clara County requests that the RHND allocation for the Unincorporated County be reduced from 1,446 units to 474 units. The appeal is based upon the County's policies that focus growth in the incorporated jurisdictions while limiting growth in the unincorporated areas of the County.

Resolution

The Appeal Committee denied the County of Santa Clara's request to reduce the County's RHND allocation.

Reasoning

The appeal does not meet the requirements of State Housing Element Law, nor the additional appeal conditions stipulated by the Executive Board, which would warrant a revision.

- State Housing Element Law does not recognize local growth control measures as a valid means of reducing RHND allocations.
- The County of Santa Clara has not identified another recipient (other jurisdiction(s)) willing to incorporate the proposed reduction in RHND allocations.

10. City of Alameda- RHND Allocation Modified

Revision Request

The City of Alameda requested that ABAG reduce the City's job growth in the RHND methodology from 5,342 jobs to 2,150 jobs, in recognition of the significant job loss the City suffered as a result of the military base closure at Alameda Point Naval Air Station. The result of this modification would reduce the City's RHND allocation by 882 units.

Resolution

The Appeal Committee reduced the City of Alameda's RHND allocation from 2,162 units to 1,721 units, a reduction of 441 units. The revision is contingent upon HCD's acceptance of this reduction.

Reasoning

The resolution is based upon the following factors:

- The one time loss of approximately 36% of the City of Alameda's total jobs in 1990 has had an adverse impact on the City's jobs/household ratio. This significant level of job loss is unusual, and unique in the context of the region. No other jurisdiction in the region has suffered a job loss of this magnitude.
- The job growth that the City of Alameda is planning during the 1999-2006 RHND timeframe will replace some of the jobs that were lost as a result of the base closure. Because of the importance that the Executive Board has placed on jobs/ housing balance in the RHND methodology, The Appeal Committee believes that the City of Alameda should not receive an RHND allocation that will cause a further decline in the City of Alameda's jobs/household balance.
- The Appeal Committee believes that this action recognizes the goals of State Housing Element Law.